all quarters for the last few years that he has not been able to place a definite concrete scheme before either the Government or this House for their acceptance in regard to the work of rural reconstruction which has been specially entrusted to him. When criticisms were levelled against him naturally he retorted by throwing out a challenge to the members sitting on this side to come forward with schemes if they have got any, so that rural reconstruction work can be carried on in the State in accordance with a set plan. My submission is, even though it is not possible to formulate a comprehensive scheme covering all the aspects of our rural life all on a sudden, this resolution will indicate certain lines in which the Hon'ble Minister can proceed and find out the actual requirements of the several villages in our State wherefrom he can formulate a scheme and place it before the Government for their acceptance. I have also tabled a similar resolution with regard to the provisions for irrigation and drainage facilities. That is also a question which affects vitally the agricultural population of the State and that is also a matter in which the Hon'ble Minister can find out from the several village panchayats the actual requirements of the rural population for formulating a similar scheme. It is not proper to contend on the part of any Government, if they are convinced that a particular item of work is necessary, that they have not got the funds required for that purpose. I say it is time to cry a halt to the practice of spending large amounts for the improvement of cities and towns and diverting a portion at least of our income for the betterment of the rural population of our State. In view however of the reply given by the Hon'ble Minister that he will be consulting the panchayat conference about this matter I beg leave of the House to withdraw my resolution.

Resolution, by leave, withdrawn

12. Deletion of S. O. 17 of the General Standing Orders

***Mr. V. K. Bhaskara Menon** (Cranganur):* Sir, the resolution which I have tabled for the acceptance of this House is that *"This Council recommends to the Government that Standing Order 17 of the General Standing Orders may be deleted."* It is one which, in my opinion, is essential to enable the Government to discharge its duties towards various communities equally and equitably. I shall refer to the standing order.—"Subject to conditions of honesty and efficiency promotions may as a rule be given in the order of

* Speech not corrected by the hon'ble member

LIBRARY ARCHIVES Kerala Legislative Assembly

seniority." In my opinion this particular standing order is to the effect that the only consideration which will stand against the way of an official being given promotion in a particular department will be the question of efficiency and honesty. The result of such a binding rule on the Government will be that in the matter of appreciating communal disabilities, in the matter of redressing communal inequalities, the Government's hands are statutorial by handicapped. Now, it has been the accepted policy of the Government to see that all communities in the State are given equal opportunities in the Government service. I was under the impression that such a resolution would only strengthen the hands of the Government, though they do not want my officious help. It is a tremendous shock to me to understand that they are thinking of opposing this resolution. Now, Sir, I do not see why any Government should oppose this resolution, because it is first of all in the interests of the Government itself to see that there is no such standing order and secondly it strengthens the hands of the Government in the administration because it removes the normal discontent which an officer of Government often feels whenever his seniority is overlooked on grounds either communal or otherwise. It is because of this feeling that it is real injustice for Government to be compelled to stick on to the antiquated rule—a rule which might have been possibly necessary when the administration was being slowly fashioned. It is with the feeling that we have outgrown the necessity of the rule that I have tabled this resolution; and as already remarked, it is a distinct shock to me that it is not appreciated in the way in which it ought to be. One more argument which I might advance in this House in support of this resolution is this. In view of this, bother for the Government as well as the members of the legislature is particularly increasing. As regards the Government whenever a particular person has got his claims overlooked, he worries the Government by petitions as regards the seniority, he worries the members of the legislature with stories of his imagined wrongs forgetting all the time that there are certain conditions which compel the Government to act in a particular fashion and that it could not have been possible for any civilised Government to have acted otherwise. But then these are matters, Sir, which cannot be explained to a subordinate. But without an explanation, the reason for a particular appointment, why a particular person was selected for a particular post cannot be understood by a layman. Naturally, whenever Government does a correct thing which is intrinsically correct but externally a wrong thing, there is a normal tendency on the part of the public to misunderstand the action of the Government. It is because of this humble desire to see that the Government might be properly

LIBRARY ARCHIVES Kerala Legislative Assembly

understood in its actions in the matter of appointments that I have tabled this resolution. The normal explanation or rather the possible explanation which the Government might advance for the continuance of this rule might be that in spite of the rule they might find means whenever proper reasons are advanced to overlook the provisions of this rule. One of the arguments that might possibly be raised by the hon'ble Secretary would be based upon the wording "as a rule" and that does not mean that the rule is an immutable one. In my humble opinion, when it is given "as a rule" it means the rule and exceptions should be very few and even non-existent. But the situation is such now that especially in view of the favoured position of the favoured communities, it is absolutely impossible to do justice to the other communities in view of the statutory prohibition. So, my submission to this House is that in view of these facts, it is high time that such an ante-diluvian rule is not kept on the statute book and should be removed from that as early as possible. I commend this resolution to the acceptance of the House.

Mr. A. V. Moothedan *(Chalakkudi):* I second the resolution.

മിസ്റ്റർ വി. കെ. കൃഷ്ണൻകുട്ടി: ഗവമ്മെണ്ടു സർവ്വീസിൽ വല്ല വിധത്തിലും കയറിക്കഴിഞ്ഞാൽ പിന്നെ അവിടെനിന്നു പടിപ്പടിയായി ഉദ്യോഗക്കയറ്റം ലഭിച്ചു കൊള്ളുമെന്നു മാത്രം കണക്കാക്കി വല്ല ഉദ്യോഗസ്ഥന്മാരും ജോലി ചെയ്യുന്നുണ്ടെങ്കിൽ അവരുടെ തെറ്റിദ്ധാരണയെ മാറ്റുവാൻവേണ്ടി കൊണ്ടുവന്നിരിക്കുന്ന ഒരു പ്രമേയമാണിതെന്നു് ഞാൻ വിശ്വസിക്കുന്നു. പണ്ടു് ആരോ പറഞ്ഞുകേട്ടിട്ടുണ്ടു്, തീട്ടൂരം കൊടുക്കുന്ന അവസരത്തിൽ "ശമ്പളവും പറഞ്ഞു നടന്നുകൊള്ളുകയും വേണം" എന്നു് ഒരു വാചകം അതിൽ ഉണ്ടത്രെ. അങ്ങിനെ ശമ്പളവും പറഞ്ഞു നടന്നുകൊള്ളുകയാണു് തങ്ങളുടെ ജോലിയെങ്കിൽ അവരെ ആ വ്യാമോഹത്തിൽ നിന്നു മോചിപ്പിക്കുവാനായിട്ടു് കൊണ്ടുവന്നിട്ടുള്ള ഒരു പ്രമേയമാണിതെന്നു തോന്നുന്നു. അതുകൊണ്ടു് ഇതിൽ ഗവമ്മെണ്ടിനെപ്പറ്റി ആരും ശങ്കിക്കുകയില്ലെന്നും ഞാൻ വിശ്വസിക്കുന്നു. സ്റ്റാൻറിംഗ് ഓർഡറിൽ ഫ ൈ-ാമത്തെ റൂൾ ഇപ്പോൾ നിലവിലുള്ളതുകൊണ്ടു് അർഹിക്കുന്ന ഉദ്യോഗങ്ങളിൽ മറ്റുള്ളവരുടെ മീതെ ഒരു കയറ്റം കൊടുക്കേണ്ട ആവശ്യം വരുമ്പോൾ ഈ സ്റ്റാൻറിംഗ് ഓർഡർ അതിനെതിരായിട്ടു നില്ക്കുന്നില്ല. Subject to honesty and efficiency, promotion, should as a rule be made in the order of seniority മുതലായവ ഗവമ്മെണ്ടു് നോക്കുന്നില്ലെന്നുള്ള വിശ്വാസം എനിക്കില്ല. അതുകൊണ്ടു് ഈ പ്രമേയത്തെ ഇവിടെ പൂർണ്ണ മനസ്സോടുകൂടി സ്വീകരിക്കുവാൻ നിവൃത്തിയില്ല. എന്നാൽ എതിർക്കേണ്ടവിധത്തിൽ ഈ പ്രമേയം കൊണ്ടുവന്നിട്ടുമില്ല. പ്രമേയം അവതരിപ്പിച്ച ആൾക്കു് ഗവമ്മെണ്ടിനെ ചില സംശയങ്ങൾ ധരിപ്പിക്കുവാനുള്ളതു് ഒരു പ്രമേയരൂപത്തിൽതന്നെ ആയിക്കളയാമെന്നു വിചാരിച്ചു് കൊണ്ടുവന്നിട്ടുള്ളതാണെന്നു ഞാൻ വിചാരിക്കുന്നുള്ളൂ. ഈ പ്രമേയംകൊണ്ടു് ദോഷങ്ങളൊന്നും ഉള്ളതായി കാണുന്നില്ല. അതുകൊണ്ടു് ഈ പ്രമേയത്തെ ഞാൻ ഒന്നും ചെയ്യാതെ വിടുന്നു.

മിസ്റ്റർ കെ. ആർ. വിശ്വംഭരൻ: സർ, ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. ഗവമ്മെണ്ടു സർവ്വീസിൽ എല്ലാ സമുദായക്കാർക്കും പ്രാതിനിദ്ധ്യം വേ

LIBRARY ARCHIVES Kerala Legislative Assembly

ണമെന്ന വാദം പ്രബലമായി വന്നതോടുകൂടി സർക്കാർ സർവ്വീസിലേക്കുള്ള പുതിയ നിയമനങ്ങളിൽ മാത്രമാണ് സമുദായപ്രാതിനിദ്ധ്യവ്യവസ്ഥ ഗവൺമെൻറ് അംഗീകരിച്ചിട്ടുള്ളതു്. ചില സമുദായങ്ങൾക്ക ഗവൺമെൻറ് സർവ്വീസിലെ ഉയന്ന ഗ്രേഡുകളിൽ നാമമാത്രമായ പ്രാതിനിദ്ധ്യം മാത്രമെ ഇപ്പോൾ ഉള്ളു. പ്രാതിനിദ്ധ്യമില്ലാത്ത സമുദായങ്ങളിൽപെട്ട ഉദ്യോഗാർത്ഥികളെ ഗവൺമെൻറ് സർവ്വീസിലെ ഉയന്ന ഗ്രേഡുകളിലുള്ള ഉദ്യോഗങ്ങളിൽ നിയമിക്കണമെന്ന വാദിക്കുമ്പോൾ, അതായതു മറെറ സമുദായക്കാരായ ഉദ്യോഗസ്ഥന്മാരുടെ സീനിയാറിട്ടി പരിഗണിക്കാതെ പ്രാതിനിദ്ധ്യമില്ലാത്ത സമുദായങ്ങൾക്ക പ്രമോഷൻ കൊടുക്കുവാനും, പുതിയ നിയമനങ്ങൾ നടത്തുവാനും ആവശ്യപ്പെടുമ്പോൾ ഈ സ്റ്റാൻറിംഗ് ഓർഡർ ഒരു പ്രതിബന്ധമായിരിക്കുന്നുണ്ടെന്നു ഗവൺമെൻറ് ചൂണ്ടിക്കാണിക്കാറുണ്ട്. ഇവിടെ കുറെ കാലത്തെ ഉദ്യോഗനിയമന ചരിത്രം പരിശോധിച്ചുനോക്കുമ്പോൾ വലിയ ഉദ്യോഗങ്ങളിലേക്ക ആളുകളെ വെച്ചിട്ടുള്ളതു വലിയ യോഗ്യതകളൊന്നും നോക്കിയല്ലെന്ന കാണുവാൻ യാതൊരു പ്രയാസവുമില്ല. താൽക്കാലികമായ പരിതസ്ഥിതിയനുസരിച്ചു ഓരോരുത്തർ ഓരോ ഉദ്യോഗങ്ങളിൽ ഭാഗ്യംകൊണ്ടു കടന്നുപററിയെന്നോ ഞാൻ വിചാരിക്കുന്നുള്ളു.

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: ആരുടെ ഭാഗ്യംകൊണ്ടു്?

മിസ്റ്റർ കെ. ആർ. വിശ്വംഭരൻ: അവരുടേയും വീട്ടുകാരുടെയും ഭാഗ്യംകൊണ്ടു്. വളരെ സമർത്ഥന്മാരായ ആളുകൾക്ക മാത്രമെ ഉദ്യോഗം കൊടുത്തുവന്നിട്ടുള്ളുവെന്നുള്ള ഒരു നയം ഗവൺമെൻറ് ധൈര്യപൂർവ്വം സമ്മതിക്കുമോ എന്നുള്ള കാര്യം സംശയമാണു്. ചില സമുദായത്തിലെ ആളുകൾക്കുമാത്രം ഉദ്യോഗം കൊടുക്കുകയും അവക്ക ക്രമപ്രവൃദ്ധമായ പ്രമോഷൻ കൊടുക്കുകയും ചെയ്യുകയല്ലാതെ സമർത്ഥന്മാരായ ആളുകളെ തിരഞ്ഞുപിടിച്ചു അവക്ക ഉദ്യോഗം കൊടുക്കുന്ന വ്രതം നമ്മുടെ ഗവൺമെൻറ് എടുത്തിട്ടില്ല. അതുകൊണ്ടു ഉദ്യോഗനിയമനം നടത്തീട്ടുള്ള ആളുകൾ സമർത്ഥന്മാരല്ലെന്ന ഞാൻ വാദിക്കുന്നില്ല. പക്ഷെ അവർ പിന്നീടു സമർത്ഥന്മാരായിത്തീന്നവരാണു്. ഗവൺമെണ്ടിൽനിന്നും സ്വീകരിച്ചിട്ടുള്ള സാമുദായിക പ്രാതിനിദ്ധ്യ വ്യവസ്ഥയനുസരിച്ചു ഗവൺമെണ്ടു സർവ്വീസിലെ ഉയന്ന ഗ്രേഡുകളിലെ നിയമനങ്ങൾ പ്രായോഗികമാക്കണമെങ്കിൽ ഈ സ്റ്റാൻറിംഗ് ഓർഡർ മാറാതെ ഗത്യന്തരമില്ല.

മിസ്റ്റർ വി. കെ. കൃഷ്ണൻകുട്ടി: ഈ പ്രമേയത്തിൽ ആ ഭാഗം ഉദ്ദേശിച്ചിട്ടുണ്ടോ? ഈ സ്റ്റാൻറിംഗ് ഓർഡർ നീക്കംചെയ്താൽ അതു സാധിക്കുമോ?

മിസ്റ്റർ കെ. ആർ. വിശ്വംഭരൻ: ഉവ്വു്. ഗവൺമെണ്ടു സമുദായപ്രാതിനിദ്ധ്യകാര്യത്തിൽ അംഗീകരിച്ചിട്ടുള്ള നയം എന്താണെന്ന നമുക്ക അറിയാം. അതിലേക്ക ഇതു കൂടുതൽ സൌകര്യം നൽകുമെന്നുള്ള വിശ്വാസംകൊണ്ടാണു ഞാൻ ഇതിനെ അനുകൂലിക്കുന്നതു്. അതുകൊണ്ടു ഈ പ്രമേയം ഈ സഭയുടെ അംഗീകരണത്തെ അർഹിക്കുന്നു ഒന്നാണെന്നാണു് എൻെറ വിശ്വാസം.

Mr. K. Achyuta Menon *(Secretary to Government)*: Sir, there are only two possible ways in which the resolution could have been looked at before it was moved. One was that the mover perhaps felt dissatisfied with the way in which appointments are now being made, that is to say, all those appointments are in violation of the S. O. Therefore it may well be that the S. O., may be deleted.

LIBRARY ARCHIVES Kerala Legislative Assembly

Another might be as just explained by the hon'ble mover that the S. O., stands in the way of Government making appointments in the manner in which they are now doing; that is to say, Government are making appointments upon considerations which are rational but there is the S. O. which is supposed to be a statutory enactment standing in their way. To that extent Government will be violating the S. O. though it is proper to do so. I am much relieved to find that it is the second aspect that has been moved. There is no case now that the appointments made by Government are in contradiction of that Standing Order. There can be no more standing testimony of the justice of the Government in making appointments than the fact that the mover did not want to attack the appointments made by the Government. But then he wants to help the Government a little more. He thinks that the statute there is a perpetual reminder that Government appointments now made, although they are supported by justice and considerations of fairplay are more often against the statute. Therefore, it is asked, is it not better to remove that S. O. so that the justice of the Government appointments may not be tarred by the existence of the statute. It is only there that we part company. We agree upon the justice of the Government appointments. Upon the other matter, that with considerations of honesty and efficiency other relevant considerations such as communal justice should sometimes be taken into consideration in making proper appointments is also conceded. Then the other question here is the difficulty attempted to be pointed out by the hon'ble mover *i.e.* the existence of that statute. It is an immutable statute, does it not stand in the way, it is asked, of considerations of all relevant circumstances in making appointments? I venture to suggest in reply that that statute is not so immutable as is supposed to be. In the first place it has not got the rigidity of an absolute rule of law. What it states is "regarding being had to considerations of efficiency and honesty promotions may as a rule be made in the order of seniority." Now, the words "as a rule" should mean something. The meaning now sought to be given is that regard being had to considerations of honesty and efficiency appointments should always be made in the order of seniorty. Now there is a difference between "always" and "as a rule". I venture to disagree only to that extent with the mover. The words of the S. O. do not stand in the way of Government doing justice to all, regard being had to considerations of honesty and efficiency and seniorty and to all other relevant considerations in making appointments. That some relevant considerations like these should be respected is acceped. We need not be afraid of the statute when it does not go to the extent of

LIBRARY ARCHIVES Kerala Legislative Assembly

laying down an immutable rule. Thus the mere existence of the S. O. does not prevent Government from doing justice to all. The words of the S. O., are qualified by the words "as a rule". We may take it that the interpretation put upon these words by the mover is correct. Nobody contends that Government appointments so far have been bad or objectionable. Having agreed that proper considerations are being given to all relevant circumstances the question is whether the S. O. should be deleted. In our view the deletion is unnecessary and therefore we oppose it.

*Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I am extremely sorry to find that I have been misunderstood by the hon'ble Secretary. I never conceded for a moment that I am not dissatisfied with the present state of things. I merely said that there is a misapprehension in the minds of the public and dissatisfaction in the services. So that it is not a case where there is no dissatisfaction in the minds of the services and that dissatisfaction is the result of this action of the Government in allowing a particular rule to remain on the statute book to be violated. Let us first of all examine a few instances and find out what exactly is the result. There is absolutely no use of saying that there is no dissatisfaction. For example, we will take a Magistrate. A Magistrate is appointed to sit in judgment upon the work done by all the other Magistrates. Perhaps it is done it the interests of efficiency and we are prepared to concede that. This will be shutting down the chances of the Magistrates who have been in service for a number of years to rise to the normal zenith of what they can hope to get. Similarly there might be instances where a Munsiff beginning upon Rs. 200 might be asked to sit in judgment over all the other Munsiffs. There is no justification unless it be this one reason mentioned in the Standing Orders that it is on considerations of efficiency. In introducing that argument of efficiency it means that all the persons whose claims are overlooked are to be inefficent. My submission to the House is they should not be subjected to this two-fold penalty. Call them inefficient and ask them to clear away. I am not questioning the propriety or otherwise of anyone of these appointments. A civilized Government which has taken upon itself the responsibility of transferring the Treasury without consulting the legislature, we are perfectly satisfied that such a Government will be doing only responsible things. Moreover, there are people who are prepared to take the whole responsibility.

Mr. K. Achyuta Menon *(Secretary to Government):* What has the Treasury to do with appointments?

* Speech not corrected by the hon'ble member

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. V. K. Bhaskara Menon *(Cranganur):* Even in the matter of an important measure it is so.

Mr. K. Achyuta Menon *(Secretary to Government):* Then it is not a S. O. argument but is a so so argument.

Mr. V. K. Bhaskara Menon *(Cranganur):* It may be so because normally you are accustomed to that.

Mr. K. Achyuta Menon *(Secretary to Government):* You abuse me. But the character of my argument remains.

Mr. V. K. Bhaskara Menon *(Cranganur):* I said that such a Government in my opinion will be doing proper things. But the difficulty will be that there should be some sort of justification for doing a thing. There is no use of saying that they are doing the right thing. They should fortify their actions by certain rules. There is no use of the argument of the Hon'ble Secretary that "though there is a rule after all it is not followed, so why should it not be allowed to remain on the Statute". I argue the other way; why should such a provision be allowed to remain in the Statute Book? My submission, therefore, to this House is that in such matters the Government should be absolutely above board. There is no meaning in allowing the public to think that the Government is not accepting the rules which ought to be binding on them. The public think that the Government for certain definite purpose are adapting the rules to achieve certain ends which should be made much more plain. I submit that it is a vital matter not only for the Government but also to the public as well as the persons in service and so I commend this resolution for the acceptance of the House.

Resolution put and lost.

13. Repair to the "Nariyamkulam" tank in Puduruthi Village.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Mr. President, Sir, my resolution reads thus :—

"This Council recommends to the Government that immediate repairs be made to the tank called "Nariyamkulam" in Puduruthi Village, Talappalli Taluk, thus making it available for the use of the agriculturists of the locality".

The purpose in tabling this resolution is to invite the attention of the Government to the necessity of effecting repairs to "Nariyamkulam" in Puduruthi village. Puduruthi village is a place where paddy cultivation is conducted on a large scale; and due to want of

LIBRARY ARCHIVES Kerala Legislative Assembly